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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/375,081 08/16/99 GONZALEZ

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EXAMINER

MUNSON, G

ART UNIT

PAPER NUMBER

2811

DATE MAILED:

08/25/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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8/25/00

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 11

Application Number: 09/375,081

Filing Date: 15 May 2000

Appellant(s): Fernando Gonzales and David Kao

KILLWORTH, GOTTMAN,  
HAGAN & SCHAEFF, L.L.P.  
For Appellant

**EXAMINER'S ANSWER**

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This is in response to the brief on appeal filed 15 May 2000.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

Claims 15-19 and 23 had been rejected in parent application SN 08/987,819, which issued as PN 6,005,273.

**(4) *Status of Amendments***

The appellant's statement of the status of amendments contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

The terminal disclaimer filed on 4 May 2000 has been accepted and recorded. Accordingly, the rejection based on double patenting has been withdrawn.

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**(7) *Grouping of Claims***

The rejection of claims 15-19 and 23 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The Appeal Brief (page 4) states that claim 15 is exemplary.

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,213,139	Rao	7/80
4,319,263	Rao	3/82

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 15, 17, 19 and 23 stand rejected under 35 U.S.C. 102 as shown by Rao '139. See Figures 2, 3, 5 with a "two gate transistor" which has "gate structure" 15 on a "first" oxide layer 22; "secondary" oxide layer 21; "spacer" comprising "second" gate 16; "first" contact 17; "second" contact 18.

Claims 15-19 and 23 are rejected under 35 U.S.C. 102 as shown by Rao '263. See Figures 2, 3, 5, 7, 8 with a "two gate transistor" (Figure 3) and a "three gate transistor" (Figure 8) which have

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“gate structure” 15 on a “first” oxide layer 22; “secondary” oxide layer 21, 23; “spacer” comprising “second” gate 16 and “third” gate 41; “first” contact 17; “second” contact 18; “third” contact 42.

**(11) *Response to Argument***

Contrary to the Brief (page 5), Rao ‘139 (Figures 3) discloses a transistor with two gates 15 and 16; Rao ‘263 (Figure 3) also discloses the transistor with two gates and in Figure 8 discloses a transistor with three gates 15, 16 and 41. The two gate transistor may be represented by an equivalent circuit of two transistors as in Figure 2; the three gate transistor may be represented by an equivalent circuit of three transistors as in Figure 7. Similarly, the equivalent circuit of the multigate transistor in this invention may be represented by three transistors as shown in Figures 5 and 6.

Contrary to the Brief (pages 5-12), the “spacer” which is “conductive” and a “gate”, insofar as claimed, does not distinguish over gate 16 of Rao ‘139 nor over gates 16, 41 of Rao ‘263. The “gate structure”, insofar as claimed, does not distinguish over gate 15 of Rao ‘139 and Rao ‘263.

Contrary to the Brief (pages 8-11), Rao ‘263 (Figure 8) does *not* disclose “where adjacent transistors share a common source/drain region.” In Figure 8, there is no “source/drain region” between gates 41 and 15 nor between gates 15 and 16. Compare Figure 3 of this application with Figure 8 of Rao ‘263. The “gate structure” 108, 110, insofar as claimed, corresponds to gate 15 of Rao; conductive gate “spacer” 118, insofar as claimed, corresponds to gates 16, 41 of Rao.

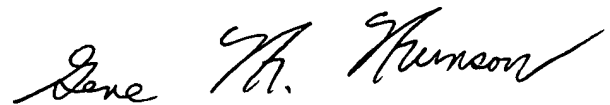
Appellants’ difficulty lies in the breadth of the claims. It is submitted that the claims are properly rejected as unpatentable.

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Respectfully submitted,



G. Munson/dc  
August 14, 2000

**GENE M. MUNSON  
EXAMINER  
GROUP ART UNIT 2831**

*Appeal Conference*

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